

JC05 Rec'd EST/PTC

20 JUL 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION

RECEIVED

21 AUG 2001

In re PATENT APPLICATION of Inventor: C. MEARS et al	Group Art Unit: Unknown Legal staff
Appln. No: 09/763,089	Examiner: Unknown International Div:
Filed: February 16, 2001	Atty. Dkt: 29925-169801
Title: APPLICATOR AND DISPENSING DEVICE USING SAME	Date: July 20, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

26694

PATENT TRADEMARK OFFICE

Sir:

**RESPONSE TO NOTIFICATION
OF A DEFECTIVE RESPONSE**

In response to the Notification of a Defective Response mailed July 3, 2001, applicants deem the Notification to be rendered moot.

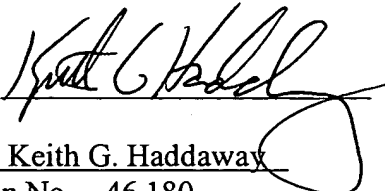
Applicants filed a Response to the Notice to File Missing Parts on June 15, 2001 along with a Request for a One-Month Extension of Time, copy of which is attached. On July 2, 2001, applicants filed a Supplemental Response submitting the second page of the Declaration which included the signatures of Harvey Levine and Lawrence Levine, copy of which is also attached.

The applicants believe that the Supplemental Response filed on July 2, 2001 and the Notification of a Defective Response mailed July 3, 2001 crossed in the mail. Furthermore, a declaration signed by Lawrence and Harvey Levine was filed with the application on February 16, 2001. Seeing that all parts of the Notice to File Missing Parts have been attended to, the applicants deem the Notification of a Defective Response to be moot and no further action is due on part of the applicants at this time.

It is not believed that a fee is due; however, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, which are required for entry of the attached documents, or credit any overpayment to Deposit Account No. 22-0261.

Venable, Baetjer, Howard and Civiletti, LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Tel. (202) 962-4800
Fax (202) 962-8300

KGH/sat

Signature: Attorney: Keith G. HaddawayRegistration No. 46,180



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION

Patent Application of Inventor: C. MEARS et al	Group Art Unit: Unknown
Appln. No: 09/763,089	Examiner: Unknown
Filed: February 16, 2001	Atty. Dkt: 29925-169801
Title: APPLICATOR AND DISPENSING DEVICE USING SAME	Date: June 15, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL

Enclosed Please find a Response to the Notice to File Missing Requirements dated March 15, 2001. The following are enclosed in response:

- (1) A copy of the Notice to File Missing Requirements;
- (2) Declaration;
- (3) A Request for a two-month Extension of Time;
- (4) Copies of Two Notifications of a Change from the International Bureau indicating that Lawrence Levine and Harvey Levine are to be added as inventors in the U.S. application.

When considered with the previously submitted documents, Applicants respectfully submit that the requirements of 37 CFR § 1.497(a) and (b), and 37 CFR § 1.66 and 1.68 in particular, have been met.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

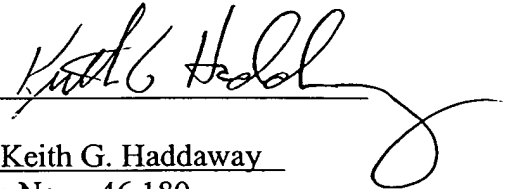
1. "Small Entity" Status is claimed.	Claims Remaining After Amendment	Highest Number Previously Paid for	Additional Fee Present Extra
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1.	Small Entity					
2.	Total Effective Claims	30 minus	30	= 0	x \$18/\$9 =	\$ 0
3.	Independent Claims	3 minus	3	= 0	x \$80/\$40 =	\$ 0
4.	Two-month Extension of Time fee					\$195
5.	Surcharge - Late filing fee or oath or declaration (\$130/65)					\$ 65
6.					TOTAL	<u>\$260</u>

A check in the amount of \$260 is attached.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including any fees for extension of time, which are required for entry of the attached documents but which have not been specifically requested, or credit any overpayment to Deposit Account No. 22-0261.

Venable, Baetjer, Howard and Civiletti, LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Tel. (202) 962-4800
Fax (202) 962-8300

Signature: 
Attorney: Keith G. Haddaway
Registration No. 46,180

Atty/Sec: KGH/sat
#295214

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763089	MEARS	C 29925-152086

KEITH G HADDAWAY
VENABLE
PO BOX 34385
WASHINGTON, DC 20043 9998

INTERNATIONAL APPLICATION NO.

PCT/US99/18738

I.A. FILING DATE

PRIORITY DATE

18 AUG 99

18 AUG 98

DATE MAILED:

15 MAR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.
☐ Translation of the international application into English.
☒ Oath or Declaration of inventor(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☒ Preliminary amendment(s) filed FEB 16 2001 and 29925-152086 MAG
☐ Information Disclosure Statement(s) filed _____ and _____
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____
☒ Verified Statement Claiming Small Entity Status.
☐ Priority Document.
☒ Copy of the International Search Report ☐ and copies of the references cited therein.
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Docketing

Missing Requirements due April 15, 2001

MAR 19



Attorney Docket 29973-169801

DECLARATION FOR UNITED STATES PATENT APPLICATION,
POWER OF ATTORNEY, DESIGNATION OF CORRESPONDENCE ADDRESS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPLICATOR AND DISPENSING DEVICE USING SAME, the specification of which

[X] was filed on February 16, 2001 as Application No. 09/763,082 and as a continuation application filed under the Patent Cooperation Treaty on August 18, 1999, as Application No. PCT/US99/18738, the United States of America being designated.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, utility model, design or inventor's certificate listed below and have also identified below any foreign application(s) for patent, utility model, design or inventor's certificate having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

I hereby appoint the registered attorneys and agents of VENABLE associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



26694

PATENT/TRADEMARK OFFICE

VENABLE is located at Suite 1000, 1201 New York Avenue, N.W., Washington, D.C. 20005-3917, Teletype (202) 962-4800, Telex (202) 962-8300. Address all correspondence to VENABLE, Post Office Box 34385, Washington, D.C. 20043-9998.

The undersigned hereby authorizes the U.S. attorneys and agents named herein to accept and follow instructions from the undersigned's assistant, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorneys or agents named herein will be so notified by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: [Signature]
Joint Inventor: Christopher MEARS
Citizenship: USA
Residence and Post Office Address: 200 West 81st Street, Apt. 32
New York, NY 10024

Date: 15th June, 2001.

Signature: _____
Joint Inventor: Richard GRAY
Citizenship: USA
Residence and Post Office Address: 150 Central Park South, Suite 3210
New York, NY 10019

Date: _____, 2001.

Attorney Docket 29925-169801

DECLARATION FOR UNITED STATES PATENT APPLICATION,
POWER OF ATTORNEY, DESIGNATION OF CORRESPONDENCE ADDRESS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPLICATOR AND DISPENSING DEVICE USING SAME, the specification of which

[X] was filed on February 16, 2001 as Application No. 09/763,089 and as a continuation application filed under the Patent Cooperation Treaty on August 18, 1999, as Application No. PCT/US99/18738, the United States of America being designated.

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Prior Foreign Application(s) _____ Priority Claimed _____

I hereby appoint the registered attorneys and agents of VENABLE associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



26694

PATENT TRADEMARK OFFICE

VENABLE is located at Suite 1000, 1201 New York Avenue, N.W., Washington, D.C. 20005-3917, Telephone: (202) 962-4800, Telefax: (202) 962-8300. Address all correspondence to VENABLE, Post Office Box 34385, Washington, D.C. 20043-9998.

The undersigned hereby authorizes the U.S. attorneys and agents named herein to accept and follow instructions from the undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorneys or agents named herein will be so notified by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: _____

Date: _____, 200_.

Joint Inventor: Christopher MEARS

Citizenship: USA

Residence and Post Office Address: 200 West 81st Street, Apt. 32
New York, NY 10024

Signature: Richard F. Gray

Date: 6/15/, 2001.

Joint Inventor: Richard GRAY

Citizenship: USA

Residence and Post Office Address: 150 Central Park South, Suite 3210
New York, NY 10019

Attorney Docket: 29925-169801

Page 2

DECLARATION FOR UNITED STATES PATENT APPLICATION
POWER OF ATTORNEY, DESIGNATION OF CORRESPONDENCE ADDRESS

Signature: *Ralph Ziesel* Date: June 15, 2001
Joint Inventor: Ralph Ziesel
Citizenship: GERMAN USA Ralph
Residence and Post Office Address: 107 Hollyhock Lane
Mooresville, NC 28117

Signature: _____ Date: _____, 200_.
Joint Inventor: Harvey LEVINE
Citizenship: USA
Residence and Post Office Address: 255 Woodside Circle
Fairfield, CT 06432

Signature: _____ Date: _____, 200_.
Joint Inventor: Lawrence LEVINE
Citizenship: USA
Residence and Post Office Address: 3 Austin Drive
Easton, CT 06612

#288785

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

GOLIN, MICHAEL A.
Veneable, Baetjer, Howard &
Civiletti, LLP
P.O. Box 34385
Washington, DC 20043-9998
ETATS-UNIS D'AMERIQUE

MAR 23

Date of mailing (day/month/year) 15 March 2001 (15.03.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference A008-3221PCT	
International application No. PCT/US99/18738	International filing date (day/month/year) 18 August 1999 (18.08.99)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

Name and Address	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address LEVINE, Harvey 255 Woodside Circle Fairfield, CT 06432 United States of America	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

3. Further observations, if necessary:
Additional applicant/inventor for the US only.

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☒ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Maria Victoria CORTIELLO Telephone No.: (41-22) 338.83.38
---	--



PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

GOLIN, MICHAEL A.
Veneable, Baetjer, Howard &
Civiletti, LLP
P.O. Box 34385
Washington, DC 20043-9998
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)
15 March 2001 (15.03.01)

Applicant's or agent's file reference
A008-3221PCT

International application No.
PCT/US99/18738

IMPORTANT NOTIFICATION

International filing date (day/month/year)
18 August 1999 (18.08.99)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

Name and Address

State of Nationality

US

State of Residence

US

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

LEVINE, Lawrence, T.
#3 Austin Drive
Easton, CT 06612
United States of America

State of Nationality

US

State of Residence

US

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

Additional applicant/inventor for the US only.

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☒ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer


Maria Victoria CORTIELLO

Telephone No.: (41-22) 338.83.38

97968

Venable Filing Number


 July 2, 2001
 Filing Date


Atty. Docket No.: 29925-169801
 Re: APPLICATOR AND DISPENSING DEVICE USING SAME
 Application No.: 09/763,089
 Patent No.:
 Trademark:
 Opposition/Cancellation No.:
 Filing Date: February 16, 2001
 Issue Date:
 Trademark Reg. No.:

The following items were received from Venable
 Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

_____ Transmittal Letter	_____ Filing Fee
_____ New U.S. Patent/Design/Application (____ pages of specification/claims)	_____ Surcharge Fee
_____ Formal Drawings (____ Sheets)	_____ Additional Claim Fee
_____ Invention Declaration	_____ Recordation/Indexing Fee
_____ National Stage Application	_____ IDS Fee
_____ Translation of International Application	_____ Extension Fee
_____ New U.S. TM Application (____ specimens)	_____ Notice of Appeal Fee
_____ Rule 53(d) Continuation or Division Application	_____ Brief on Appeal Fee
_____ Rule 53(b) Continuation or Division	_____ Oral Hearing Request Fee
_____ Application (in Duplicate) (attach copy of specification, claims, drawings & declaration)	_____ Petition Fee
_____ Priority Document-Cert. Copy of ____	_____ Issue Fee
_____ Appln. #____	_____ Maintenance Fee
_____ Date ____	_____ TM Statement of Use
_____ Assignment w/ Cover Sheet	_____ 8 Affidavit Fee
_____ IDS w/ PTO - 1449 (____ references)	_____ 8 and 15 Affidavit
x _____ Supplemental Response	_____ TM Renewal Application Fee
_____ Amendment	_____ Notice of Opposition Fee
_____ Petition/Request for Extension of Time	_____ Total Fees Paid
_____ Notice of Appeal	
_____ Appeal Brief (in triplicate)	
_____ Request for Oral Hearing	
_____ Confirmation of Hearing Petition	
_____ Issue Fee Transmittal	
_____ Certificate of Correction	
_____ Maintenance Fee Transmittal	
_____ TM Statement of Use	
_____ Declaration Under 8	
_____ Declaration Under 8 and 15	
_____ TM renewal Application	
_____ Notice of Opposition	
_____ Request for Corrected Filing Receipt	
_____ Terminal Disclaimer	
_____ \$0	

_____ Check No. _____ Attached

_____ Charge Deposit Account No. 22-0261



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION

IN RE PATENT APPLICATION of Inventor: C. MEARS et al	Group Art Unit: Unknown
Appln. No: 09/763,089	Examiner: Unknown
Filed: February 16, 2001	Atty. Dkt: 29925-169801
Title: APPLICATOR AND DISPENSING DEVICE USING SAME	Date: July 2, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

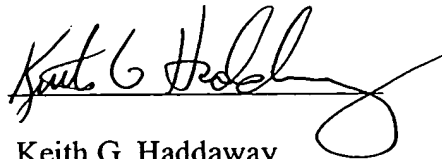
SUPPLEMENTAL RESPONSE

Further to our Response to the Notice to File Missing Requirements filed June 15, 2001, please find attached the second page of the Declaration including two of the inventors (Harvey Levine and Lawrence Levine) signature. All of the inventor signatures in the Declaration have been submitted at this point.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including any fees for extension of time, which are required for entry of the attached documents but which have not been specifically requested, or credit any overpayment to Deposit Account No. 22-0261.

Venable, Baetjer, Howard and Civiletti, LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Tel. (202) 962-4800
Fax (202) 962-8300

Atty/Sec: KGH/sat
#298912

Signature: 

Attorney: Keith G. Haddaway
Registration No. 46,180

Attorney Docket: 19925-169801

Page 2

DECLARATION FOR UNITED STATES PATENT APPLICATION
POWER OF ATTORNEY, DESIGNATION OF CORRESPONDENCE ADDRESS

Signature: _____ Date: _____, 200_

Joint Inventor: _____ Rulph Zisse!

Citizenship: USA

Residence and Post Office Address: 107 Hollyhock Lane
Mooresville, NC 28117Signature: Harvey Levine Date: 06-27, 2001

Joint Inventor: _____ Harvey LEVINE

Citizenship: USA

Residence and Post Office Address: 255 Woodside Circle
Fairfield, CT 06432Signature: Lawrence Levine Date: 6-25, 2001

Joint Inventor: _____ Lawrence LEVINE

Citizenship: USA

Residence and Post Office Address: 3 Austin Drive Extension
Easton, CT 06612

#288785

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

APPLICATOR AND DISPENSING DEVICE USING SAME

the specification of which (check one); ☐ is attached hereto: ☒ was filed on August 18, 1998 as Application Serial No. 09/135,942 and was amended on (or amended through) _____ (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

(Number)	(Country)	(Day/Month/Year Filed)	Priority Claimed	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:


(Application Serial No.)	(Filing Date)	(Status - Patented, Pending or Abandoned)
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(Application Serial No.)	(Filing Date)	(Status - Patented, Pending or Abandoned)
--------------------------	---------------	---

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

I (we) hereby appoint Bruce L. Adams, Registration No. 25,386, Van C. Wilks, Registration No. 25,027 and Franco S. De Liguori, Registration No. 36,497 whose post office address is: Adams & Wilks, 50 Broadway, 31st Floor, New York, New York 10004, as my (our) attorneys with full power of substitution and revocation, to prosecute this application, and to transact all business in the United States Patent and Trademark Office connected therewith.

Full Name of First or Sole Inventor Christopher Mears	Citizenship United Kingdom
RESIDENCE Address - Street 200 West 81st Street-Apt. 32	POST OFFICE Address - Street same as residence address
City (Zip) New York 10024	City (Zip)
State or Country New York	State or Country
Date September 10, 1998	Signature 

☒ See second page for additional joint inventors.